

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

K.C. HOPPS, LTD.,)	
)	
Plaintiff,)	CASE NO. 4:20-CV-437
)	
vs.)	
)	
THE CINCINNATI INSURANCE)	
COMPANY,)	
)	
Defendant.)	

**DEFENDANT'S NOTICE OF WITHDRAWAL OF PROPOSED JURY
INSTRUCTION AND DEFENSE REGARDING LOSS OF USE EXCLUSION**

Defendant The Cincinnati Insurance Company ("Cincinnati"), by and through undersigned counsel, hereby notifies the Court and Plaintiff that it withdraws its Proposed Jury Instruction No. 12 [ECF Doc. 167, p.18]¹. Further, Defendant will not assert the defense of Loss of Use Exclusion of the Subject Policy at trial.

WALLACE SAUNDERS

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AND

¹ Stating, "Your verdict must be for Defendant if you believe that any alleged loss was caused by or resulted from any delay, loss of use or loss of market."

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to:

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